

INDEPENDENT REVIEW PANEL



2001 ANNUAL REPORT

Riley Davis, Jr., Chairperson

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E-mail: irp@miamidade.gov www.miamidade.gov/irp

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- **Riley Davis, Jr.**, Chairperson, nominated by the Urban League of Greater Miami, Inc. Mr. Davis is Special Assistant to the President and CEO of the Urban League of Greater Miami. His focus is crime prevention and Black on Black crime intervention. In the past he worked for the Florida Department of Corrections and a Correctional Probation Specialist.
- **Rev. James Phillips**, Jr., 1st Vice Chairperson, nominated by People United to Lead the Struggle for Equality (PULSE). Rev. Phillips is pastor of the Highland Park Baptist Church and president of PULSE, a civil rights group established in 1981. He has a B.A. in psychology with an emphasis on chemical dependency.
- **Heddy Peña**, 2nd Vice Chairperson, nominated by ASPIRA of Florida, Inc. Ms. Peña serves on the Boards of ASPIRA, a nonprofit organization devoted to education and leadership of Latino youth and SAVE Dade, a coalition created to push for equal right for gays and lesbians.
- **Edward G. Guedes, Esq.**, nominated by the Community Relations Board. Mr. Guedes is an attorney whose practice areas include labor law, civil rights, governmental representation and implementation of the Americans with Disabilities Act.
- **Dorothy J. Rollins**, nominated by the Community Action Agency. Ms. Rollins currently is an Assisting Correspondence Secretary for the National Council of Negro Women, Inc. She also is a committed member of the American Cancer Society Board of Directors.
- **Chief John S. Ross,** nominated by the Dade County Association of Chiefs of Police. Chief Ross serves as Chief of the Bay Harbor Islands Police Department. He also sits on the Miami-Dade Community College School of Justice and Safety Administration Advisory Board.
- **Doris Shellow**, nominated by the League of Women Voters. Mrs. Shellow is active in community mental health issues. She was Executive Director of the South Florida Psychiatric Society for 27 years, until she retired in 2000.
- **Stewart D. Williams, Esq.**, nominated by the Dade County Bar Association. Mr. Williams is a trial attorney practicing in areas of personal injury, wrongful death, medical malpractice and products liability. He was born in Lima, Peru and is fluent in Spanish.
- **Min. Dr. Freeman Wyche, Sr.**, nominated by the African American Council of Christian Clergy (AACCC). Dr. Wyche is Senior Minister of the Liberty City Church of Christ. He has served in the ministry for over 50 years. Dr. Wyche is dedicated to his community, serving on the boards of many civic and educational organizations.

Panel Members

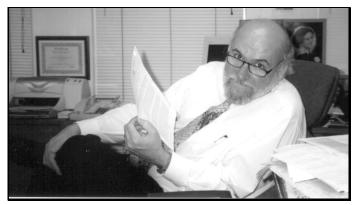
1st Vice Chairperson 2nd Vice Chairperson Chairperson Riley Davis, Jr. Rev. James Phillips, Jr. Heddy Peña Edward G. Guedes, Esq. Dorothy J. Rollins Chief John S. Ross

Stewart D. Williams, Esq.

Min. Dr. Freeman Wyche, Sr.

Doris J. Shellow





Eduardo I. Diaz, Ph. D. Executive Director

Sagrario Lopez Senior Executive Secretary

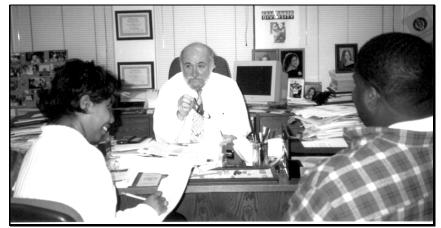
Carol J. Boersma, LCSW
Constructive Conflict Counselor

Debbie Penha CumbermackConflict Resolution Specialist

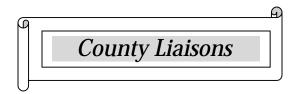
Patricia Nicolas Office Support Specialist



Sagrario, Debbie, Carol, Patricia



Dr. Diaz and Mrs. Cumbermack meet with a complainant



Legal Counsel

Ronald Bernstein, Assistant County Attorney Kenneth Drucker, Assistant County Attorney

Miami-Dade Police Liaison

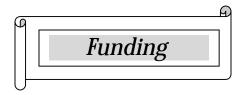
- Lt. Glenn Stolzenberg, Professional Compliance Bureau
- Lt. Temple Carpenter, Professional Compliance Bureau

County Manager's Liaison

Paul R. Philip, Senior Assistant to the County Manager

Mayor's Liaison

Ari Lynn Turner, Deputy Chief of Staff



The Independent Review Panel is supported by the County General Fund from ad valorum taxes.

Budgets

FY 2000-2001 \$404,000 FY 2001-2002 \$412,000

Chairperson's Message



The citizens of Miami-Dade County have a lot to be thankful for, given that our community enjoys relative peace in contrast with many communities around the world. I recognize that some local official wrongdoing continues; there is too much poverty here and plenty of injustice remains to be confronted. However, I see things differently 11th, when September before than unthinkable happened to New York's Twin Towers and the Pentagon. We have blessings to count, roses to smell and numerous fire fighters, police officers and other government employees to thank for the, all too uncelebrated, job they routinely do.

I am thankful that the Independent Review Panel (IRP) continues its steady presence in the community. Our posters remind those who see it that a constructive conflict mechanism is available for their use and that racism is not to be tolerated.

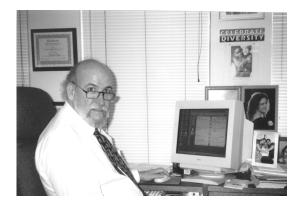
Our staff continues to provide high quality support to Panel activities and have been consulted by various local and national agencies seeking expertise in this field. Our Executive Director is now on the board of the International Association for Civilian Oversight of Law Enforcement (IACOLE) and has received excellent reviews, for his publication, *Citizen Oversight of Police: 2001 Fact Sheet*.

We have been blessed with two new Panel Members, Chief John Ross and Dorothy Rollins. They bring new energy to our meetings and both have proven to be dependable and insightful. Each of our Panel members brings a unique perspective, given our diversity, but we all share a passion for social justice and that by far outshines our disagreement on issues.

That brings me to the issue of authority to compel testimony and subpoena powers. In a historic vote, City of Miami citizens, by a 73% margin, voted for subpoena power for their police oversight panel. I sense the time to be ripe for our County Commissioners to demonstrate courageous leadership as they deliberate on our ordinance change recommendations.

Riley Davis, Jr. Chairperson

Executive Director's Message



This work is extraordinary and quite rewarding most of the time. The many small victories that occur, every time some improvement happens because we are watching, add up to significant satisfaction. We do good work, we help the community, and we stand firm in the face of adversity.

For me, the high point this year was seeing the IRP anti-racism message brightly published in our Racial Profiling poster. Not far behind was the

honor I felt at being asked to help provide training for the newly reconstituted Community Relations Board. Honorable mention goes to the pride I felt when Fire Chief Paulison, now the highest ranking Fire official in the nation, requested our investigation of alleged wrongdoing in the Miami-Dade Fire Rescue Department.

Whether or not the IRP should have subpoena power is always a hot issue that provokes a full range of emotions, expected when one is focused on community and justice. This year, after the Panel requested a thorough review of subpoena power utilization by Citizen Oversight agencies, staff developed ordinance language change recommendations that take into consideration the fear that some police union officials have. The proposed language specifically includes safeguards to protect witnesses from feared civilian oversight abuse.

It was a low point when, in spite of the Panel's intent to assure fairness and clear compliance with all laws including the Police Officers Bill of Rights, the local Police Benevolent Association (PBA) president writes the following in the December edition of the union newsletter Heat:

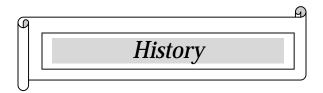
"Executive Director Eduardo Diaz, a law enforcement hater, is raising his and the IRP's ugly head again attempting to get subpoena power again and again and again...... we need to remain vigilant on this character and take whatever action appropriate to stop his madness in harming law enforcement any further."

The New Year will undoubtedly bring us many opportunities to manage change, the air is charged and politics reigns. People are counting votes as we witness the tide turn in public sentiment regarding police accountability.

Regardless of the subpoena power issue outcome, you can rest assured that the staff of the IRP will continue to strive to do the most professional job possible within the mandate authorized by the Board of County Commissioners.

Eduardo I. Diaz, Ph.D.

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The Independent Review Panel was created by the Metropolitan Dade County Board of County Commissioners in January 1980, and was designed to operate autonomously from county government as an independent civilian "watchdog" agency. The unique combination of police review and "ombudsman" functions within one autonomous civilian agency was the result of a delicate balance and compromise that arose out of the community outrage following the McDuffie and LaFleur police shootings and subsequent riots in 1979. The Board conceived this innovative approach as a means to improve community confidence in all aspects of its government.

At the time of the Panel's inception, the community had little confidence in the Metro-Dade Police Department Internal Review process. The average citizen preferred to believe that, given the opportunity, the officers within the Department would do everything possible to "protect" a brother officer. The Board recognized that only if the public is fully informed can it fairly form an opinion as to whether or not the Internal Review process is in fact responsive and effective, and that establishing the Independent Review Panel was necessary to restore community respect and trust in county government. In authorizing review of complaints against any county employee or agency, the Board recognized the importance of enhancing the ability of the citizenry to gain access to an impartial citizen dispute resolution mechanism, where the continued responsiveness of the county government can be monitored and accountability assured.

The Board decided to establish an independent panel that incorporates the most constructive aspects of an ombudsman office with the independence of a civilian review format, to create a civilian watchdog agency in the form of the Independent Review Panel. The County Commission assured the independence and autonomy of the Panel from political or administrative influence by delegating the responsibility for the appointment of the executive director to the chief judicial officer of the Eleventh Judicial Circuit in and for Dade County. The intent of the Board of County Commissioners was to establish a broad-based, permanent Panel to serve for the purpose of investigating questionable administrative practices or policies and employee behavior, and of conducting comprehensive public hearings on matters within the Panel's jurisdiction.

The Panel's independence from direct political or administrative influence set the Panel apart from any other processes or procedures that existed within Dade County. The Panel members serve without compensation and give freely of their time. Following the creation of the Independent Review Panel, the charter members and the executive director drafted rules of procedure that outlined the stated purposes and goals of the Panel:

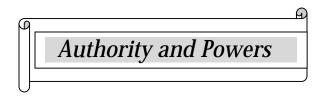
It is hereby declared to be the purpose of these rules and procedures to facilitate the Independent Review process in Dade County, Florida which shall be based on due regard for the constitutional rights of all persons and which shall promote the highest possible degree of mutual respect between the agencies, instrumentalities and employees of Dade County and the people of Dade County. These rules provide for the impartial, independent, open and prompt investigation and disposition of complaints and grievances in a manner which protects both the public and the county agencies, instrumentalities or employees who are involved in such complaints. It is a further purpose of these rules to facilitate the ability of the Independent Review Panel to review the established county procedures and policies or general patterns of conduct which give rise to conflict and misunderstanding between the County and the public.

Following its investigation and review of complaints, the Independent Review Panel makes findings and recommendations to the appropriate county authorities regarding revision of policies and procedures, and employee conduct.

The Independent Review Panel is an advisory group, which cannot compel sworn testimony, except in cases of whistle blower retaliation complaints. At its inception, the Board decided that the Independent Review Panel, through its findings and recommendations, could have sufficient input and exert enough pressure on existing agencies so that the investigation would be fair and expeditious. The Panel could accomplish this so long as substantial and continuing support is provided by the County Commission and the County Manager, as well as from the citizens of Miami-Dade County. In essence, the primary goal of the Panel is to allow aggrieved citizens access to internal county governmental investigations. The Panel demonstrates that Miami-Dade County government recognizes that citizens have a right not only to participate in this grievance/complaint review, but also to oversee it through membership on the Independent Review Panel.



The Panel in Session



Granted by Miami-Dade County Code Article IC.

Section 2-11.41

The purpose of this article is to create a mechanism for external community fact-finding and dispute resolution. It is the intent of the Board of County Commissioners that the impartial review panel created by this article conduct independent reviews and hold public hearings concerning serious complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County.

Section 2-11.45

- (a) The Panel may hold public hearings, make factual determinations, draw conclusions, propose recommendations, and prepare reports on matters relating to serious complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County.
- (b) The Panel may adopt, promulgate, amend and rescind such rules of procedure as may be necessary to exercise its authority; provided, however, that no rules shall conflict with the provisions of this article.
- (c) The Panel may demand, examine and duplicate public records and documents in accordance with the provisions of Chapter 119, Florida Statutes.
- (d) The Panel may enter and inspect any premises under the jurisdiction or control of Miami-Dade County or any of its agencies or instrumentalities.
- (e) The Panel may request any person, including the supervisor of the Internal Review Section of the Miami-Dade Police Department, to give sworn testimony or to produce documentary or other evidence.
- (f) The Panel may conduct or participate in conferences, inquiries, meetings or studies.
- (g) The Panel may request the County Attorney to render opinions relating to its duties, jurisdiction or power.

Why Do We Need The Independent Review Panel?

Government alone can not hold itself accountable. Citizen oversight that is independent and free of conflicts of interest is a good way to accomplish constructive change. Committed volunteers, known for high integrity, listen to the people, review how they are being served and recommend actions to help restore right relations and trust. Citizen participation is essential to build a more peaceful and just community. The IRP was created for external fact-finding and dispute resolution purposes.

Whose Side Is The Panel On?

The Panel members are open to evidence from all sides and seek the truth. They are advocates for the greater good and not for one side or the other. Complainant satisfaction is not assured because Panel members base their recommendations on objective review of the evidence available.

Can The IRP Help County Departments Prevent Complaints?

Yes, IRP staff provide training in complaint prevention skills and are also available to help departments improve complaint procedures based on Panel review and recommendations.

Who Created The Panel?

The Independent Review Panel was created by the Board of County Commissioners to promote confidence in county government and improve community relations. The Panel serves as a go-between you and county government when serious complaints are made against Miami-Dade departments or employees.

How Is Fairness Secured?

The Panel operates **independently** of the county government administration and is dedicated to being unbiased and thorough in its review of citizens' complaints. The Executive Director is appointed by the Chief Judge of the Eleventh Judicial Circuit. The Panel is made up of volunteers nominated by different community organizations who listen, review and recommend corrective action.

Who Appoints The Members of The Panel?

Five Panel members are appointed by the county commission having been nominated by these organizations:

- Community Action Agency
- Community Relations Board
- Dade County Association of Chiefs of Police
- Dade County Bar Association
- Dade County League of Women Voters

Another four members are appointed by the Panel, considering ethnocultural and gender community representation.



Alex Penelas *Mayor*

BOARD OF COUNTY COMMISSIONERS

Gwen Margolis Chairperson

Katy Sorenson Betty T. Ferguson District 1 District 8 Dorrin D. Rolle Dennis C. Moss District 2 District 9 Dr. Barbara Carev Javier D. Souto District 3 District 10 Gwen Margolis Miguel Díaz de la Portilla District 4 District 11 Bruno A. Barreiro Dr. Miriam Alonso District 5 District 12 Pedro Reboredo Natacha Seijas Millan District 6 District 13 Jimmy Morales District 7

> Merrett R. Stierheim County Manager

Robert A. Ginsburg

County Attorney

Miami-Dade County provides equal access and equal opportunity in employment and services and does not discriminate on the basis of disability.



Citizens Guide to County Accountability

An
INFORMATIONAL
Service of the

Independent Review Panel

Dr. Eduardo I. Diaz, Executive Director 140 West Flagler Street, Suite 1101 Miami, FL 33130

Raise Voices to Help Create Future Solutions Now

To Resolve Serious Complaints You May Use:

- · Political Action
- · Legal Action
- Administrative Action

or

• Public Hearing Action

The Independent Review Panel is the path to choose if you want citizen oversight of the process and want the results determined in the open by public hearing action.

What Is A Serious Complaint?

Information that pertains to substantial and specific damage to public health, safety or welfare

or

Information alleging:

- gross mismanagement
- malfeasance (misconduct or wrongdoing)
- misfeasance (failure to take action)
- gross neglect of duty

The Panel gives priority to complaints that are likely to result in corrective action that may significantly improve County service to the public.

Call 305-375-4880 Fax 305-375-4879

How Are Complaints Handled?

You can make a complaint to Panel staff by phone, letter or in person. Complaints which require a formal investigation are referred to the director of the accused department.

The accused department conducts the investigation and reports its written findings to Panel staff. This report is shared with you. If you are not satisfied with the department's investigation, a committee, made up of Panel staff and a Panel member, is formed.

The committee meets with you and representatives from the accused department. It makes recommendations to the Panel at its monthly public hearing.

The Panel publicly reviews how the complaint has been handled to make sure the citizen has had the chance to be heard. The Panel has the final word on recommendations, which are then sent to the accused department, County Manager, commissioners and the Executive Mayor.

Can Complaints Be Filed Via The Internet?

Email: IRP@co.miami-dade.fl.us

or

Visit the County's Web Page http://www.co.miami-dade.fl.us/irp

What Can The Panel Do?

The Panel provides safe mediated dispute resolution by:

- Review of complaints and the departmental response
- Conducting face to face mediations employing constructive conflict strategies
- Holding open public hearings to address citizen complaints

The Panel may also do fact-finding by:

- Independent community inquiry
- · Independent studies of grievances
- Conducting an Independent
 Community Grievance Conference

The Panel can recommend that:

- Corrective action be taken
- An employee be disciplined or commended
- Departmental or County policies and procedures be revised

What About City Complaints?

The Panel process is available free of charge to any Dade municipality that wants to use it. The municipality must grant the Panel jurisdiction to provide citizen oversight. The Panel does have jurisdiction to address County government complaints.

Panel staff will tell you where to go to complain about state, federal or other government wrongdoing. Other avenues are also available to address elected officials.

What Should I Know If I Want To Blow The Whistle On County Wrongdoing

The Panel is also charged with hearing retaliation complaints. Subpoenas may be issued to obtain the attendance of witnesses and the production of records. To protect yourself from retaliation by a County employee, department or instrumentality (contracted agent):

- A recent Ordinance 96-41 says you
 must inform the County Manager or
 other authority, in writing, that you
 have been the subject of retaliation
 within 60 days of it happening
- If the Public Hearing results in Panel findings that retaliation probably took place, you may be eligible for monetary reward if your whistle-blowing led to recovery of County funds
- If the Panel finds that your retaliation complaint was frivolous (not serious), you may be held responsible for County incurred costs.

Can County Employees File Complaints against Supervisors or Coworkers through the IRP?

The IRP will not duplicate or intervene in county, departmental or union grievance procedures. The IRP only considers personnel complaints in rare cases of substantial inequity or unfairness.

¿POR QUÉ NECESITAMOS EL INDEPENDENT REVIEW PANEL?

Al gobierno no se le puede pedir explicaciones de sí mismo de los asuntos de los cuales es responsable. La vigilancia pública, que es independiente y libre de conflictos de interés, es una buena manera de lograr cambios constructivos. Voluntarios conocidos por su gran integridad, escuchan a las personas que plantearon quejas, analizan la forma en que el Condado les ha servido y recomiendan medidas para restaurar las relaciones entre el público y el Condado, y promover confianza en el gobierno. La participación del público es indispensable para construir una comunidad más pacífica y justa. El IRP fue creado con el propósito de tener una agencia independiente que llega a conclusiones objetivas y resuelve disputas.

¿DE PARTE DE QUIÉN ESTÁ EL PANEL?

Los miembros del Panel son los defensores del bién común y no están ni del lado del Condado ni del lado de la persona que plantea la queja. No se puede garantizar satisfacción con los resultados porque los miembros basan sus recomendaciones en un análisis objetivo de la evidencia disponible.

¿PUEDE AYUDAR EL PANEL A LOS DEPARTAMENTOS DEL CONDADO A EVITAR QUEJAS?

Sí. El personal del IRP provee entrenamiento y métodos para prevenir quejas. También puede ayudar a los departamentos a mejorar la manera en que se manejan las quejas contra sus empleados.

¿QUIÉN CREÓ EL PANEL?

El Independent Review Panel fue creado por la Junta de Comisionados del Condado para promover la confianza del público en el gobierno del Condado y para mejorar las relaciones comunitarias. El Panel presta servicios como intermediario entre usted y el Condado cuando se someten **quejas graves** contra departamentos o empleados de Miami-Dade.

¿CÓMO SE GARANTIZA UN TRATAMIENTO JUSTO?

El Panel, que funciona independientemente de la administración del gobierno del Condado, se dedica a analizar con objectividad y sin prejuicios las quejas que plantea el público. El Director Ejecutivo es designado por el juez principal del Circuíto Judicial Onceno. El Panel, el cual está integrado por voluntarios designados por distintas organizaciones comunitarias, escucha y examina los hechos para luego hacer recomendaciones correctivas.

¿QUIÉN DESIGNA A LOS MIEMBROS DEL PANEL?

La Junta de Comisionados del Condado designa a cinco de los miembros del Panel, basándose en las recomendaciones que le hagan las organizaciones mencionadas a continuación:

- la Agencia de Acción Comunitaria
- la Junta de Relaciones Comunitarias
- la Asociación de Jefes de Policía del Condado de Miami-Dade
- el Colegio de Abogados del Condado de Miami-Dade
- la Liga de Mujeres Votantes del Condado de Miami-Dade

El Panel designa a los cuatro miembros restantes con miras a que las comunidades etnoculturales y los géneros estén representados.



Alex Penelas

Alcalde

JUNTA DE COMISIONADOS DEL CONDADO

Gwen Margolis

Presidenta

Betty F. Ferguson

Distrito 1

Dorrin D. Rolle

Distrito 2

Dra. Barbara M. Carey

Distrito 3

Katy Sorenson

Distrito 8

Dennis C. Moss

Distrito 9

Javier D. Souto

Distrito 10

Gwen Margolis Miguel Díaz de la Portilla

Distrito 4 Distrito 11

Bruno A. Barreiro Dra. Miriam Alonso

Distrito 5 Distrito 12

Pedro Reboredo Natacha Seijas Millán Distrito 6 Distrito 13

Jimmy Morales Distrito 7

> Merrett R. Stierheim Administrador del Condado

Robert A. Ginsburg Abogado del Condado

El Condado de Miami-Dade proporciona igualdad de acceso y oportunidades en el empleo y en los servicios y no discrimina a los minusválidos.



137 01-4 9/98

Público sobre la Responsabilidad del Condado

Guía para el

Un servicio
INFORMATIVO
del

INDEPENDENT REVIEW PANEL

(Panel de Reinspección Independiente)

140 West Flagler Street, Suite 1101 Miami, FL 33130 (305) 375-4880

Dr. Eduardo I. Díaz, Director Ejecutivo

Para resolver quejas graves, usted puede:

- valerse de la acción política
- entablar una acción jurídica
- iniciar una acción administrativa

0

utilizar la acción de una audencia pública

El Independent Review Panel (IRP) es el camino que se toma si desea que haya supervisión cívica del proceso y que los resultados se determinen mediante la acción de una audiencia pública.

¿QUÉ CONSTITUYE UNA QUEJA GRAVE?

Es una información relacionada con daños considerables y específicos a la salud, la seguridad o el bienestar público,

C

Información en la que se alega:

- mala administración significativa
- conducta impropia o falta grave
- el dejar de tomar acción apropiada
- abandono de los deberes

El Panel asigna carácter prioritario a las quejas que pudieran resultar en acción correctiva para la mejoria de los servicios del Condado al público.

¿CÓMO SE PLANTEAN LAS QUEJAS?

Usted puede plantear su queja por teléfono, por escrito, por *e-mail* o en persona.

Las quejas que requieren una investigación formal se refieren al director del departamento acusado, el cual realiza la investigación e informa al Panel por escrito de sus conclusiones. Este informe se comparte con usted. Si usted no está satisfecho con la investigación del departamento, se forma un comité compuesto por personal del Panel y un miembro del Panel.

Este comité se reune con usted y representantes del departamento acusado para discutir la investigación y conclusiones. Luego el comité hace recomendaciones al Panel en su audiencia pública mensual.

El Panel analiza el modo en que se ha manejado la queja para garantizar que la persona que planteó la queja ha tenido la oportunidad de presentar su punto de vista. El Panel toma la decisión final en cuanto a las conclusiones y recomendaciones, y las envían al director del departamento acusado, al Administrador del Condado y al Alcalde Ejecutivo.

Teléfono:

305-375-4880

Fax:

305-375-4879

Email:

IRP@miami-dade.fl.us

Visite nuestro quiosco:

www.co.miami-dade.fl.us/irp

¿QUÉ PUEDE HACER EL PANEL?

Con el fin de encontrar soluciones sin riesgos, el Panel presta sus servicios en calidad de mediador de disputas, de las maneras siguientes:

- Estudia las quejas y las medidas tomadas al respecto por el departamento en cuestión
- Realiza mediaciones directas para lo cual emplea estrategias constructivas cuya finalidad es resolver conflictos
- Celebra audiencias públicas para atender las quejas que le sometan los ciudadanos y residentes

¿QUÉ SUCEDE CON LAS QUEJAS CONTRA UNA CIUDAD?

Los servicios del Panel están a la disposición de cualquier municipio del Miami-Dade County que desee utilizarlos. Para ello, es indispensable que el municipio le conceda la jurisdicción necesaria al Panel. El personal del Panel le informará a dónde debe dirigirse para las quejas relacionadas con actos indebidos del gobierno estatal o federal. Para las quejas relacionadas con funcionarios electos también existen otros conductos.

¿QUÉ DEBO SABER ANTES DE PLANTEAR UNA QUEJA DE REPRESALIA?

El Panel también se encarga de las quejas relacionadas con represalias. El Panel puede emitir citaciones para garantizar la asistencia de testigos y la presentación de expedientes. Según la Ordenanza Núm. 96-41:

- Es obligatorio informar, por escrito, dentro de 60 días del acta de represalia, al Administrador del Condado, o alguna otra autoridad, que usted ha sido objeto de represalia.
- Si sus alegaciones conducen a la recuperación de fondos del Condado y la audiencia pública demuestra al Panel que probablemente se tomaron las represalias contra usted, usted quizás tenga derecho a una recompensa monetaria.
- Si el Panel determina que su alegación de represalia fue frívola, usted pudiera ser responsable del pago de los gastos incurridos por el Condado.

¿Pueden someter quejas relacionadas con supervisores y compañeros de trabajo los empleados del Condado por mediación del IRP?

El IRP no duplica los procedimientos de quejas del Condado, los departamentos o los sindicatos. El IRP se involucra en las quejas que le sometan los empleados únicamente si se trata de un caso extremo de desigualdad o injusticia.

Poukisa Nou Bezwen Youn Panèl Endepandan (IRP) Pou Tyeke Plent yo?

Gouvènman-an sèlman pa ka jij-e-pati alafwa. Youn gwoup sitwayen endepandan e ki pa gen okenn atachman ak gouvènman-an se meyè fason pou chanje sistèm-nan pou l'ale nan pibon direksyon. Volontè sa yo se mounn ki devwe eke tout mounn konnen e respekte. Se mounn ki ka chita pale ak mounn epi tyeke pou wè kijan y'ap sèvi yo osnon fè rekòmandasyon pou ede retabli konfyans ak bonjan relasyon. Patisipasyon sitwayen yo enpòtan anpil pou bati youn kominote kote jistis ak lapè pral blayi. IRP-a ki vle di Panèl Sitwayen Endepandan sa-a kreye pou fouye zo nan kalalou epi pote solisyon lè gen malantandi ak diskisyon.

Sou Kibò Panèl-la Kanpe?

Manm Panèl la pare pou l'tande tout mounn epi chache evidans pou laverite blayi. Yo la pou byen tout mounn. Yo pa la pou satisfè youn gwoup mounn senpman. Mounn ki pote plent lan, pa bezwen atann yo pral ba-l satisfaksyon konsa, paske rekòmandasyon Panèl la baze sou etid evidans ki disponib yo.

Eske Panèl-la Ka Ede Depatman County Yo Pou Anpeche Mounn Pote Plent?

Wi. Anplwaye IRP (ki vle di Panèl Sitwayen Endepandan-an) bay antrènman sou teknik pou detekte plent yo. Ekip mounn sa yo disponib pou ede Depatman yo amelyore mwayen yo itilize baze sou rezilta ankèt ak rekòmandasyon Panèl la.

Kiyès Ki Kreye Panèl -la?

Se biwo komisyonè *County*-a ki monte Panèl Sitwayen Endepandan sa-a pou ankouraje piblik la fè ofisyèl nan gouvènman-an konfyans epi amelyore relasyon yo ak kominote-a. Panèl la sèvi kon medyatè ant oumenm ak gouvènman-an lè yo pote plent serye kont youn Depatman oubyen anplwaye *Miami-Dade* yo.

Kouman Yo Garanti Pa P'Gen Patipri?

Panèl la endepandan, li fonksyone san konfyolo ak administrasyon gouvènman-an epi li bay tèt li misyon pou l'rete enpasyal pandan y'ap ankete sou plent sitwayen yo. Se Jij anchèf ki tabli nan onzyèm distrik la ki nonmen direktè ekzekitif la. Panèl la fòme ak volontè ki yomenm se diferan òganizasyon nan kominote-a ki chwazi yo pou tande, tyeke epi rekòmande aksyon ki pou jwenn solisyon pwoblèm yo.

Kiyès Ki Nonmen Manm Panèl-la?

Se Konsèy Administration *County*-a (County Commission) ki nonmen manm Panèl la. Kanta pou Manm Panèl la menm, men òganizasyon ki chwazi-yo:

- · Ajans Aksyon Kominotè
- Asanble Relasyon Kominotè
- Asosyasyon Avoka nan Miami-Dade County
- Asosyasyon Chèf Polis nan *Miami-Dade* County
- Lig Fanm Miami-Dade County ki ka vote



Alex Penelas Mayor

BOARD OF COUNTY COMMISSIONERS

Gwen Margolis
Chairperson

Betty T. Ferguson Katy Sorenson Distrik 1 Distrik 8 Dorrin D. Rolle Dennis C. Moss Distrik 2 Distrik 9 Dr. Barbara Carey Javier D. Souto Distrik 3 Distrik 10 Gwen Margolis Miguel Diaz de la Portilla Distrik 4 Distrik 11

Bruno A. Barreiro Dr. Miriam Alonso
Distrik 5 Distrik 12

Pedro Reboredo Natacha Seijas Millan Distrik 6 Distrik 13

Jimmy Morales Distrik 7

> Merrett R. Stierheim County Manager

Robert A. Ginsburg

County Attorney

Miami-Dade bay tout mounn menm avantaj kit se nan opòtinite pou travay osnon nan pran sèvis. Yo pa fè diskriminasyon kont mounn ki andikape.



137.01-5 9/98

GID POU TOUT SITWAYEN K'AP POTE PLENT NAN COUNTY-A

SE YOUN SEVIS

INDEPENDENT REVIEW PANEL

(PANEL SITWAYEN ENDEPANDAN)

METE ALA DISPOZISYON PIBLIK LA

Dr. Eduardo I. Diaz, Executive Director 140 West Flagler Street, Suite 1101 Miami FL 33130

Fè tande vwa-n kounye-a pou n'ka jwenn solisyon pita

Pou Rezoud Plent Serye Yo, Ou Ka Pran:

- · Youn aksyon politik
- · Youn aksyon legal
- Youn aksyon administratif
 oubyen fè
- · Youn chita tande ak piblik la

Panèl Sitwayen Endepandan-an (IRP) k'ap etidye plent yo, se meyè chemen pou chwazi si ou vle tout sitwayen patisipe nan pwosesis la epi pou rezilta yo soti nan odisyon k'ap fèt ak piblik la.

Kisa Ki youn Plent Serye?

Se enfömasyon enpòtan ki gen rapò sou gwo domaj ki fèt nan kozman sante, sekirite ak byennèt piblik osnon enfòmasyon ki pretann gen:

- · Move administrasyon
- Malveyans
 (movèz konduit osnon magouy)
- Kalewès(neglijans pou pase alaksyon)
- · Gwo neglijans nan travay la.

Panèl la bay priyorite tout plent yo panse rezilta-a pral penmèt yo pran youn aksyon pou korije youn pwoblèm ki pral amelyore toutbonvre sèvis anplwaye County-a ap bay piblik la.

Kisa Ki Fèt Lò Youn Mounn Pote Plent?

Ou kab pote plent bay estaf Panèl-la pa-telefòn, pa-lèt ou anpèsòn. Plent ki mande youn envestigasyon dirèk al jwenn direktè Depatman ki ankòz la.

Depatman yo akize-a, mennen envestigasyon li epi fè youn rapò pa-ekri voye bay estaf Panèl la sou tou sa li jwenn. Menm rapò sa-a al jwenn ou tou. Si ou pa satisfè ak rezilta envestigasyon-an Depatman-an, y'ap fòme youn komite ki gen ladann estaf Panèl-la ak youn manm Panèl-la. Komite sa-a pral chita ak ou ansanm ak reprezantan Depatman-an y'akize-a. Komite-a fè rekòmandasyon bay Panèl-la ki reyini chak mwa. Panèl-la revize devan piblik la kijan yo te mennen ankèt la sou plent ou te pote-a, pou wè si yo te bay mounn nan youn chans pou yo tande-l.

Panèl la gen dènye mo sou rekòmandasyon yo. Apre sa, yo voye rekòmandasyon yo bay Depatman yo te akize-a, *County* Manadjè-a, Komisyonè yo ak Majistra Ekzekitif la.

Eske Yo Ka Pote Plent Sou Entènèt?

Wi. Men adrès la:

Email:IRP@co.miami-dade.fl.us

Oubyen

Fè youn ti vizit nan Web Page County-a http://www.co.miami-dade.fl.us

Ki Aksyon Panèl-la Ka Pran?

Panèl la gendwa rekòmande pou yo:

- · Korije pwoblèm nan
- Disipline anplwaye-a osnon fè-l konpliman
- Revize regleman ak pwosede
 Depatmantal oubyen County-a itilize

Anplis, Panèl ka mennen ankèt ak:

- Youn komite endepandan ki soti nan kominote-a
- · Etidye plent yo pèsonèlman
- Prepare youn komite konferans nan kominote-a pou fè chita-tande sou plent yo

E Lò Se Lavil-menm Ki Pote Plent Yo?

Travay Panèl la disponib gratis pou nenpôt ki minisipalite nan *Dade* ki vle itilize-l. Men fôk minisipalite-a bay Panèl la dwa jiridiksyon pou l'ka adrese-l ak tout sitwayen yo. Panèl la gen otorite pou l'chita sou plent yo pote kont Gouvènman *County-*a.

Estaf Panèl la va di-w kibò pou al pote plent pou nenpòt bagay dwòl ki fèt nan gouvènman-an kit se te onivo Eta, kit se te onivo Federal. Gen lòt kote ou ka ale tou pou pote plent kont nenpòt ki ofisyèl nan gouvènman-an pèp la te eli.

Kisa M'Dwe Konnen Si M'Ta Vle Devwale Bagay Dwòl K'ap Pase Nan Gouvènman-an?

Panèl la anchaje tou pou l'okipe kesyon menas k'ap fèt sou mounn k'ap pote plent yo. Yo gendwa voye manda bay temwen pou yo vin temwaye osnon remèt dokiman. Pou pwoteje tèt ou kont nenpôt ki anplwaye *County-*a, youn depatman osnon youn ajan yo ta peye pou vin fè-w menas osnon revanj:

- Odinans 96-41-lan ki fenk soti-a mande pou avèti County Manadjè-a osnon nenpôt ki otorite pa-ekri pou di y'ap pèsekite-w. Ou gen 60 jou pou fè sa.
- Si odisyon piblik la penmèt yo jwenn Panèl la te fè presyon sou ou osnon fè pèsekite-w, ou ka elijib pou yo peye-w. Men pou jwenn kòb-la, fòk lè ou te fin mete koze-a deyò, sa te penmèt yo te rantre lajan yo t'ap vòlò County-a.
- Men si Panèl-la dekouvri ou bay manti alòske pèsonn pa fè-w pyès menas, yo ka rann ou responsab pou peye tout depans County-a fè nan envestigasyon-an.



Rele

305-375-4880

Faks

305-375-4879

Racial Profiling Is Prohibited

Resolution 1090-00, approved by the County on October 3rd, 2000, says so!

Has it happened to you?

Have you been stopped because of your race or ethnicity? Contact the Independent Review Panel

Phone: 305-375-4880

Fax: 305-375-4879

Take constructive conflict action!

140 West Flagler St., Suite 1101 Miami, FL 33130-1561 www.co.miami-dade.fl.us/irp email: irp@co.miami-dade.fl.us







Citizen Oversight of Police: 2001 Fact Sheet

By Dr. Eduardo I. Diaz August 13, 2001

Our local community is responding to a series of deadly Police/citizen encounters with discussions of creating strong citizen oversight of Police agencies and this is the basis for my sharing information, and supporting Internet links, for serious students of the issue. This is intended to help policymakers, and their constituents, make informed decisions in the near future.

Who has the best Police accountability model?

Experts disagree but many feel it is not likely to be found in the USA.

http://www.liberty-human-rights.org.uk/police.pdf http://www.homeoffice.gov.uk/consult/complain.htm

In the USA, what are the best models?

This is a dynamic issue given that changes are happening frequently and new leaders emerge as a result. It is a good idea to learn of different models by contacting the National Association of Civilian Oversight of Law Enforcement (NACOLE).

http://www.nacole.org/ http://www.opcc.bc.ca/cacole.htm

Are all Police agencies against citizen oversight?

No, there are many enlightened professionals in Law Enforcement.

http://www.policeforum.org/racial.html http://www.policylink.org/pdfs/ForceSummary.pdf

Who is against strong citizen oversight?

Union representatives who fear subpoena power abuse articulate much of the resistance.

http://www.napo.org/ http://www.iupa.org/index2.html http://www.flpba.org/ http://www.dcpba.org/

Where does the US Government stand?

Much has been written that is readily available. Administrations come and go, but the documents remain. See **Principles for Promoting Police Integrity.** 2001, NCJ 186189.

http://www.ncjrs.org/pdffiles1/ojp/186189.pdf

Does the Department of Justice provide advice?

They periodically study the matter, sampling a few communities, but hesitate to recommend a "best practice" model given great variation in State statutes. They recently published **Citizen Review of Police: Approaches and Implementation.** 2001, NCJ 184430.

http://www.ncjrs.org/pdffiles1/nij/184430.pdf

Who is the best known academic expert regarding Citizen Oversight?

One of the best-known writers is Professor Samuel Walker of Omaha, Nebraska who recently published Police Accountability: The Role of Citizen Oversight.

http://www.policeaccountability.org

Is Miami-Dade's Independent Review Panel (IRP) a good model?

It is strong in independence from administrative or political interference, jurisdiction over all County departments, and in the Panel member selection mechanism, but is weak in that it may compel testimony only in whistleblower retaliation complaints. Police officers charged with allegations of wrongdoing are not mandated to cooperate with the citizen Panel investigation.

http://www.co.miami-dade.fl.us/irp

Are there Police departments in the US that mandate that their officer's cooperate with the citizen oversight agency?

Yes, the annual report of the San Francisco Office of Citizen Complaints documents that 27 officers were subjects of disciplinary action by their department, last year, due to failure to cooperate with investigations. Several external investigatory agencies with authority to compel testimony are established in the US. Some of the best are listed below.

http://police.sfgov.org/occ/

http://www.ci.berkeley.ca.us/prc/

http://www.ci.minneapolis.mn.us/citywork/other/cpra.html

Where are the strongest models in the world today?

In part stimulated by a racist incident documented in The Stephen Lawrence Inquiry, http://www.official-documents.co.uk/document/cm42/4262/4262.htm, the United Kingdom is making major reforms that will transform the Police Complaints Authority (PCA) into the Independent Police Complaints Commission (IPCC). Reading the recently published Complaints against the Police: Framework for a New System is instructive.

http://www.homeoffice.gov.uk/pcrg/pcfrmwk.htm

Australia, New Zealand and Northern Ireland have models worth looking into. The Police Integrity Commission in New South Wales and the Criminal Justice Commission of Queensland are very strong in comparison to any proposal being discussed locally.

http://www.cjc.qld.gov.au/

http://www.pasa.asn.au/nswrc2.htm

http://www.justice.govt.nz/pubs/reports/2001/police_complaints/index.html

http://www.hmso.gov.uk/acts/acts1998/19980032.htm

Canada has several provinces, and the Royal Canadian Mounted Police Commission for Public Complaints, which have mechanisms worthy of study as well.

http://www.siu.on.ca/

http://www.opcc.bc.ca/

http://www.gov.mb.ca/justice/lera/

http://www.cpc-cpp.gc.ca/

Are there many national and international organizations concerned about police accountability?

Yes, Amnesty International, Human Rights Watch and the ACLU are all active on the issue.

http://library.amnesty.it/aidoc_everything.nsf/Index/AMR511471999

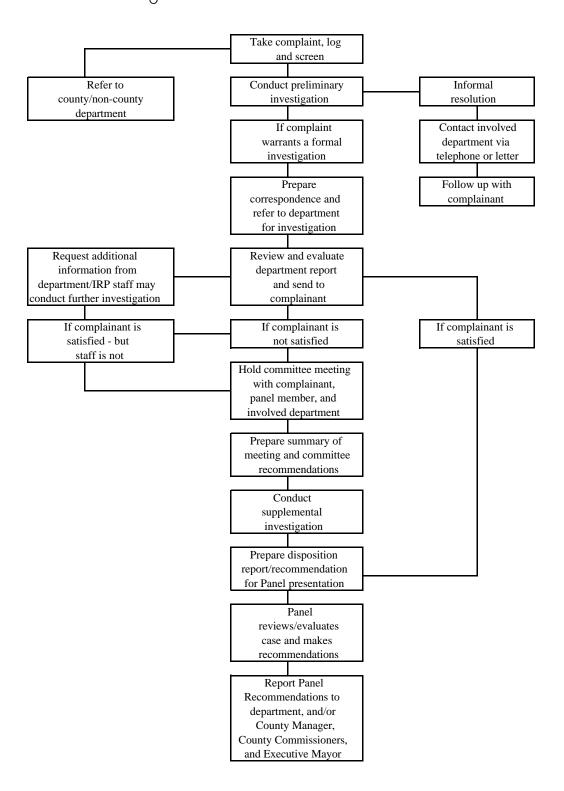
http://www.hrw.org/reports98/police/index.htm

http://www.aclu.org/library/fighting police abuse.html

About the author:

Dr. Diaz is Executive Director of Miami-Dade County's Independent Review Panel (IRP). He is a Peace Psychologist who serves on the Board of Directors of the International Association of Civilian Oversight of Law Enforcement (IACOLE) and on the National Steering Committee of Psychologists for Social Responsibility (PsySR).

Complaint Process Flow Chart



Complaint Distribution

01/01/01 Through 12/31/01

Department	A	В	M	MU	PC	Other	Total
	Formal Investigation Requested	Resolved Informally or Referred	Miscellaneous Complaints	Municipalities of Miami-Dade County	Job Related Complaints	All Others	
Aviation Department	0	0	0	0	0	0	0
Board of County Commissioners	0	0	0	0	0	0	0
Building Department	0	4	1	0	1	0	6
Clerk of the Courts	0	5	0	0	2	0	7
Corrections & Rehabilitation Department	3	10	1	0	2	0	16
Community Action Agency	0	0	0	0	0	0	0
Community & Economic Development	0	0	0	0	0	0	0
Construction Trades Qualifying Board	0	0	0	0	0	0	0
Consumer Services Department	0	4	2	0	0	0	6
County Attorney's Office	0	0	0	0	0	0	0
County Manager's Office	0	0	0	0	0	0	0
DERM	0	1	0	0	0	0	1
Elections	0	0	0	0	0	0	0
Employee Relation Department	0	0	0	0	0	0	0
Equal Opportunity Board	0	0	0	0	0	0	0
Fair Employment Practices	0	0	0	0	0	0	0
Finance Department	1	7	0	0	0	0	8
Fire Department	0	0	0	0	2	0	2
General Services Administration	0	1	0	0	1	0	2
Human Services Department	0	1	0	0	0	0	1
Independent Review Panel	0	0	1	0	0	0	1
I.T.D.	0	0	0	0	0	0	0
Jackson Memorial Hospital	0	2	0	0	0	0	2
Library	0	1	0	0	0	0	1
Mayor's Office	0	1	0	0	0	0	1
Miami-Dade Housing Agency	0	15	2	0	2	0	19
Miami-Dade Police Department	13	40	5	0	1	0	59
Miami-Dade Transit Agency	0	7	1	0	3	0	11
Miami-Dade Water & Sewer Department	0	20	0	0	0	0	20
Other Departments/Non-County Agency	0	5	94	31	2	76	208
Park & Recreation Department	0	0	1	0	0	0	1
Planning Development & Regulation Dept.	0	0	0	0	0	0	0
Property Appraisal Department	0	0	0	0	0	0	0
Public Works Department	0	12	1	0	1	0	14
Seaport Department	0	0	0	0	1	0	1
Solid Waste Department	0	5	0	0	2	0	7
Team Metro	1	13	3	0	0	0	17
Subtotals	18	154	112	31	20	76	411

Sub-Total 335
Whistle Blower 0
No Jurisdiction 76
TOTAL 411

I. Welcome & Introduction

The Chairperson welcomes those present and gives a brief introduction of the role and function of the Independent Review Panel (IRP).

The function of the Independent Review Panel is to provide impartial, independent, and open investigation and disposition of serious complaints of alleged wrongdoing. The Panel may also review procedures and policies or general patterns of conduct which gives rise to conflict and misunderstanding between the County and the public. The Panel's rules of procedure state that the Panel shall "promote the highest possible degree of mutual respect between the agencies, instrumentalities and employees of Miami-Dade County and the people of Miami-Dade County."

II. Review Format for Complaints

The Chairperson presents the format for complaint review. The focus of the complaint review will be on the findings and recommendations in the "Recommendation to the Panel" report. Panel member/Panel staff overview should include:

- The Complainant's Allegations.
- The Department's Findings to the Allegations
- The Critical Issues Discussed in the Committee Meeting.
- The Committee Findings & Recommendations.

III. Invitation to Speak Before the Panel

- A. The Chairperson invites the complainant to sit at the guest table to provide any new information that is not included in the "Staff/Committee Recommendation to the Panel" report, and/or to comment on the findings and recommendations in the report. After the complainant speaks, the representatives from the department will be invited to do the same. It is recommended that the parties not repeat what is in the report.
- B. The Panel members may direct questions regarding any aspect of the complaint and/or investigation to the complainant and/or the department representatives. Questions may also be directed to Panel staff. All parties who wish to speak must ask to be recognized by the Chairperson. Any questions a party may wish to ask another party must be directed through the Chairperson, and not to each other.

IV. CLOSING OF FLOOR DISCUSSION & PANEL VOTE

The Chairperson closes the period of public comment and the Panel then commences discussion and disposition of the complaint. The Panel renders its disposition by way of a motion.

V. APPRECIATION FOR PARTICIPATION

The Chairperson thanks the complainant and department representatives for their participation and advises that each one will receive a copy of the final Panel Disposition Report.

Accomplishments in 2001

At the Request of Fire Chief, the Independent Review Panel initiated an investigation of allegations that there is verbal abuse, hazing and abuse of authority in the Fire Department. Staff took sworn statements from twenty-four Fire Department employees, including Chiefs, Captains, Lieutenants and Firefighters.

The Panel approved a draft revision of the ordinance creating the IRP, which would provide the Panel with the power to compel testimony. The County Attorney's Office reviewed the draft language to ensure it does not conflict with State Law or existing bargaining agreements. The Proposed revision will be submitted to the Board of County commissioners in 2002.

The Panel caused police department policy on truancy enforcement to be revisited.

The Panel caused the Miami-Dade Police Department Legal Bureau to review the Department's Racial Profiling Policy, considering the difference between the police (MDPD) department's policy and that of the County Board of County Commissioners (BCC). MDPD defines a racial profiling police stop as one based *solely* on race. The BCC policy defines it as a stop based *primarily* on race.

Racial Profiling Posters, providing Panel contact information, were placed on all Miami-Dade busses and Metrorail cars.

Publicly Reviewed Complaints involving traffic stops, truancy details, drug enforcement, undercover detectives, juveniles, jail operations, selective enforcement of code violations and the provision of public documents by the Tax Collector's Office.

The Panel received a total of 411 requests for service. The majority of the complaints were against the Police Department, followed by the Water & Sewer Department, the Housing Agency, Team Metro (Code Enforcement) and the Corrections and Rehabilitation Department. The top categories of complaints were Unresponsive, Misuse/Abuse of Authority and Discourtesy.

The Panel promoted enhanced community/police relations on the local and national level:

The Executive Director:

- Presented the IRP process model at the National Black Police Association Southern Region 2001 Education and Training Conference. Dr. Diaz topic was "Successful Strategies to Address Driving While Black Practices and Policies."
- Was appointed to the Board of the International Association of Civilian Oversight of Law Enforcement (IACOLE).
- Participated in discussions regarding the preparation of an ordinance creating the "Civilian Investigative Panel" in the City of Miami. Voters approved a Panel to oversee City of Miami police complaints in November 2001.
- Wrote an article entitled "Citizen Oversight of Police: 2001 Fact Sheet" which was distributed to local and national organizations.
- Was a training team member at the workshop for the newly reconstituted Miami-Dade Community Relations Board.
- Conducted a Human Relations Leadership workshop for Miami-Dade Fire Rescue Department senior staff.

Panel members and the Executive Director met with the new County Commissioners to advise them of Panel activities and concerns.



The Parking Place

The female complainant and a male driver headed for the same parking space at a convenience store. The female got there first and the male parked in another space. There was a verbal altercation inside the store, during which the male allegedly told the female, "You're lucky I'm in a good mood or I would shoot your ass." When she left the store, the complainant copied the number of the County tag on the male's vehicle and reported the incident. The driver was identified as a plainclothes Miami-Dade Police Detective.

Departmental Procedures require that police officers "be courteous... avoiding harsh, violent, profane or insolent language or manner, and shall maintain objective attitudes regardless of provocation." The detective admitted telling the complainant: "I've seen so much violence for people taking parking. ...Have you watched the news lately? People get killed over parking places."

The Police Department found nothing wrong in the detective's behavior. The IRP found that the detective, by his own statement, used insolent language and failed to maintain an objective attitude, allowing himself to be provoked when the complainant took the parking space he wanted.

The Victim who Became the Subject

When juveniles threw rocks at his house, the elderly man called the police and then followed the youngsters to see where they lived. He spoke to the woman of the house and returned to his home. When the police arrived, the elderly man took the officer to the juveniles' house. After speaking with the 12-year-old and the 13-year-old, the officer arrested the elderly man and charged him with "Burglary with Battery," a felony. The 13-year old told the officer the elderly man came into his house and refused to leave. The children said they had to push the elderly man out. The woman of the house told the officer she didn't see anything.

The elderly man, who had never been arrested before, was unable to bond out. As a result he lost his job of 19 years. The burglary charge was dropped.

The Police Department found no wrongdoing in the actions of the officer. The IRP found the officer overreacted. No one in the juveniles' house called the police about the elderly man. The officer based his decision to charge the elderly man with a felony, on the words of the 12-year-old and 13-year-old who threw rocks at his house. The IRP also challenged the credibility of a witness officer who was on the scene for 95 minutes but had no recollection of the incident.

The Truancy Sweep

A Police Sergeant confronted a young African-American male at a bus stop during school hours, and asked for ID. The young man said there were other young people at the bus stop, but he was the only one questioned and he asked the officer why he was being detained. After a second officer arrived, the young man produced his Community College identification. While the officer was running a check, the bus passed. The young man alleged that the sergeant detained him because he is African-American and held him for over 45 minutes, causing him to miss his class.

The Sergeant was working a truancy detail. He said the African-American male caught his attention because he looked very young and he turned his back on the sergeant, avoiding eye contact. The Police Department found the Sergeant used a reasonable amount of time to determine the young man was a college student and the Sergeant's actions were based on legal justification and reasonable suspicion.

The IRP did not find sufficient evidence to sustain the allegation that the sergeant violated the Department's Racial Profiling Policy, which prohibits stops based *solely* on race. It is a fact that the complainant looks much younger than his 19 years and, by his own statement, he did not cooperate. Nevertheless, the IRP brought to light the fact that the Police Racial Profiling Policy is different from the Policy passed by the Board of County Commissioners, which uses the word *primarily* based on race. The Panel recommended that the Police Department change its policy so that it is consistent with that of the County.

Selective Enforcement

The complainant and his adjacent neighbors live on 500 ft. residential lots that front on a body of water. The complainant reported to Team Metro, the Department responsible for enforcing the County Code, that the neighbors on both sides of him were illegally operating businesses from their residential properties. The neighbor to the east had a Ski Club and the neighbor to the west was assembling and selling ultralight aircraft.

The complainant gave the Code Enforcement Officer access to his property so the officer could clearly see his neighbors' properties. As a result of that inspection, the complainant received four warning notices for code violations. His neighbors received nothing.

For months the complainant sent letters and pictures to Team Metro, documenting violations on his neighbors' properties. Eventually both neighbors were cited. Both appealed the citations. One lost the appeal, the other won.

The complainant alleged that the Department did not (1) diligently pursue enforcement action on the two properties adjacent to him, and (2) took selective and retaliatory action when the Department gave him warning notices for violations on his property and did not warn his neighbors for similar violations. The Panel found the Department did pursue enforcement action, although not to the satisfaction of the complainant. Allegation (1) was Not Sustained. Allegation (2) was Sustained because pictures taken by the Code Enforcement Officer confirmed similar violations on the properties of the complainant and his neighbors.

Panel Attendance Record

Panel Members	App./Re- Appt. Date	1/25/01	2/28/01	3/22/01	4/26/01	5/24/01	6/28/01	7/26/01	8/22/01	9/26/01	10/25/01	11/21/01	12/27/01
Riley Davis, Jr.	11/5/00	P	E	P	P	P	P	Е	P	P	P	P	Е
Rev. James J. Phillips, Jr.	11/5/00	P	A	P	P	P	A	P	P	P	A	P	P
Heddy Peña	11/5/00	Е	A	P	P	P	P	Е	Е	P	P	Е	P
Edward G. Guedes, Esq.	11/4/97	P	E	E	E	ı	A	_	P	E	A	Е	P
Major Noel A. Rojas	11/5/97	P	E	P	P	P	ı	_	_	ı	_	_	_
Dorothy J. Rollins	4/26/01	_	ı	ı	ı	P	P	P	P	P	P	P	P
Chief John S. Ross	4/10/01	_	_	_	P	P	P	Е	P	P	P	P	P
Doris J. Shellow	11/4/97	P	E	P	P	P	P	P	Е	P	P	Е	P
Stewart D. Williams, Esq.	9/25/01	Е	P	Е	P	P	P	P	Е	Е	A	Е	P
Min. Dr. Freeman Wyche, Sr.	11/5/00	P	P	P	E	Е	P	Е	Е	P	P	Е	E

Key: A - Absent P - Present

E - Excused

^{*} Two vacancies now exist for Panel members to be nominated by the Community Relations Board (CRB) and the League of Women Voters.



Sec. 2-11.41. Legislative intent and purpose; liberal construction.

The purpose of this article is to create a mechanism for external community fact-finding and dispute resolution. It is the intent of the Board of County Commissioners that the impartial review panel created by this article conduct independent reviews and hold public hearings concerning serious complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County. It is also the intent of the Board of County Commissioners that the Independent Review Panel conduct hearings as provided in Chapter 2, Article LXXI of the Code where there is a complaint of retaliation for the disclosure of specific information. The provisions of this article shall be liberally construed to accomplish these legislative objectives.

Sec. 2-11.42. Created, established.

There is hereby created and established an Independent Review Panel (hereinafter referred to as the "Panel") pursuant to Section 4.08(a) of the Miami-Dade County Home Rule Charter.

Sec. 2-11.43. Composition; appointment and terms of office; compensation, oath; attendance at meetings, vacancies.

(A) The Panel shall consist of nine (9) members, each of whom is a qualified elector of Miami-Dade County and possesses a reputation for civic pride, integrity, responsibility and has demonstrated an active interest in public affairs and service.

(1) Members:

- (a) In order to secure representative membership on the Panel, each of the following five (5) community groups or organizations shall submit a list containing the names of three (3) qualified persons [and] the Board of County Commissioners shall select one (1) panel member from each of the five (5) lists:
- (i) The Community Relations Board.
- (ii) The Community Action Agency.
- (iii) The Miami-Dade County League of Women Voters.
- (iv) The Miami-Dade County Bar Association.
- (v) The Miami-Dade Police Chiefs' Association. Each nominee by the Miami-Dade Police Chiefs' Association shall be an Association member. In the event the Panel is investigating an incident involving the jurisdiction employing this appointee, the Miami-Dade Police Chiefs' Association shall submit the names of three (3) different members for an appointment as a substitute until the conclusion of the investigation. In the event that none of the three (3) nominees meets with County Commission approval, the nominating entity shall submit another and entirely different list for Commission consideration. This process shall continue until a member has been appointed.

(b) In addition to the five (5) Panel members selected in accordance with the preceding subparagraph (a) of paragraph (1) of this subsection, four (4) members shall be appointed by the Panel based on consensus of integrity and community representation, considering ethnocultural and gender balance.

The foregoing appointments shall constitute the membership of the Panel, and each member shall serve for a period of three (3) years. The Board of County Commissioners may extend this term if necessary to complete any pending investigation(s).

- (2) Nonpermanent members. In addition to the foregoing, former Panel members may serve as substitute Panel members given advanced notice of absence of current members or vacancy pending appointment.
- (B) Members of the Panel shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties as shall be determined and approved by the Board of County Commissioners. Before entering upon the duties of office, each member shall submit written acceptance of appointment and subscribe to the oath of office prescribed by law, which shall be filed in the Office of the Clerk of the County Commission.
- (C) Any Panel member shall be automatically removed if absent for three (3) consecutive meetings without a satisfactory excuse or if absent from more than one-half of the Panel's meetings during his or her term of office. A Panel member shall be deemed absent from a meeting when not present at the meeting at least seventy-five (75) percent of the time. The provisions of this section may be waived by a two-thirds vote of the members of the full Board of County Commissioners. Any vacancy shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for three (3) years from the date of appointment.

Sec. 2-11.44. Organization and procedures.

- (a) The members of the Panel shall select a chairperson to serve at the pleasure of the Panel, together with such other officers as may be deemed necessary by the Panel.
- (b) A simple majority of the constituted members of the Panel attending a Panel meeting or hearing shall constitute a quorum.
- (c) All action by the Panel shall be by majority vote.
- (d) All Panel proceedings shall be conducted in accordance with the [Government-in-the-] Sunshine Law, Section 286.011, Florida Statutes.
- (e) All Panel proceedings shall be conducted in accordance with the provisions of the Citizens' Bill of Rights of the Miami-Dade County Home Rule Charter.
- (f) The Panel shall be deemed an "agency" for purpose of compliance with the Public Records Law, Chapter 119, Florida Statutes.

Sec. 2-11.45. Authority and powers generally.

- (a) The Panel may hold public hearings, make factual determinations, draw conclusions, propose recommendations, and prepare interim and final reports on matters relating to serious complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County. The Panel may also hold hearings, render findings of fact and conclusions of law and issue recommendations, as provided in Chapter 2, Article LXXI of the Code. The Panel shall have the authority and responsibility to determine whether complaints or grievances are sufficiently serious to institute a review process.
- (b) The Panel may adopt, promulgate, amend and rescind such rules of procedure as may be necessary to exercise its authority; provided, however, that no rules shall conflict with the provisions of this article.
- (c) The Panel may demand, examine and duplicate public records and documents in accordance with the provisions of Chapter 119, Florida Statutes, as may be amended from time to time.
- (d) The Panel may enter and inspect any premises under the jurisdiction or control of Miami-Dade County or any of its agencies or instrumentalities.
- (e) The Panel may request any person, including the supervisor of the Internal Review Section of the Miami-Dade Police Department, to give sworn testimony or to produce documentary or other evidence.
- (f) The Panel may conduct or participate in conferences, inquiries, meetings or studies.
- (g) The Panel may request the County Attorney to render opinions relating to its duties, jurisdiction or power.
- (h) The Panel shall not interfere with any ongoing criminal investigation of the State Attorney.

Sec. 2-11.46. Panel proceedings.

Panel members shall meet with staff from time to time:

- (1) To consider the County's complaint review processes and investigatory activities designed to serve the public; and
- (2) To consider whether any complaint or grievance filed with the Panel is sufficiently serious to merit review by the full Panel.

Full panel meetings shall be scheduled monthly and with appropriate notice given to the public.

Sec. 2-11.47. Interim reports during pending review.

At least every thirty (30) days, the Panel shall receive interim reports from staff with regard to each pending review.

Sec. 2-11.48. Final reports on matters reviewed; referral for further proceedings.

The Panel shall publish a final report with regard to each matter reviewed. Said final report shall be transmitted simultaneously to the Board of County Commissioners, the County Manager and the director of the concerned County department. If the Panel has reason to believe that any public official, employee or other person warrants criminal or disciplinary proceedings, it shall refer the matter to the appropriate governmental authorities.

Sec. 2-11.49. Simultaneous reviews.

The Panel may review more than one (1) incident at the same time.

Sec. 2-11.50. Immunity of Panel members from suit.

The Panel members shall be, to the full extent permitted by law, immune from any suit based upon any action or report undertaken within the scope of the Panel's duties or powers as provided in this article.

Sec. 2-11.51. Physical facilities and staff.

- (a) Office space, etc.; auditorium. The County shall provide the Panel with appropriately located office space and auditorium facilities together with necessary office supplies, equipment and furnishings.
- (b) Executive Director. The Panel shall have an Executive Director who shall be appointed by the Chief Judge of the eleventh Judicial Circuit, and who shall, in consultation with the County Manager, establish the rate of remuneration of the Executive Director.
- (c) Staff. The Executive Director may hire and administer the necessary staff, subject to budgetary allocation by the Board.
- (d) Legal counsel. The County Attorney shall provide the Panel with necessary legal counsel.
- (e) Research, investigative personnel. The Panel may request the Board to provide such other fact-finding and research personnel as it may determine are necessary from time to time.

Sec. 2-11.52. Municipal utilization of Panel authorized.

At the request of any municipality, on a case-by-case basis or for a time certain, the Panel may assume jurisdiction to consider complaints of citizens against any employee, agency or instrumentality of said municipality. The Panel may proceed to consider, review, investigate and conduct hearings relative to such complaint or grievance. In such event, all references to the County or County officers, employees or representatives shall be determined to be references to the municipality and to the municipal officers, employees or representatives who serve in comparable capacities.

Proposed IRP Ordinance Language

January 29, 2002

Honorable Gwen Margolis Chairperson Board of County Commissioners 111 N.W. First Street, Suite 220 Miami, FL 33128

RE: PROPOSED IRP ORDINANCE LANGUAGE

Dear Chairperson Margolis:

The Independent Review Panel (IRP) is seeking your support in favor of legislation to grant the Panel subpoena power to address all serious complaints. As you know, the IRP has for many years lacked the authority to compel testimony of subject employees and witnesses, whether employees or not, except in Whistle-blower Ordinance (96-41) cases. The IRP has been wrestling with this issue long before the City of Miami's referendum pertaining to a Citizens Investigatory Panel (CIP) and long before the recent shootings by local police.

Historically, most subject employees participate in the IRP's fact-finding process, with the exception of law enforcement officers. This is not acceptable to many community members who feel that Police officers should be no less accountable to citizen oversight.

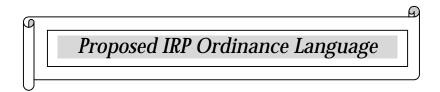
On October 25, 2001, the Panel asked Kenneth Drucker, Assistant County Attorney, to assist in drafting proposed ordinance language that would not violate existing laws or labor agreements. The enclosure provides the language approved by the Panel at the January 24, 2002 meeting. Please consider sponsoring an ordinance to grant the IRP the requested additional authority.

I will be happy to meet with you to further discuss this issue. Please contact staff at 305 375-4880, to schedule a meeting on the matter if you need any clarification.

Sincerely,

Riley Davis, Jr. Chairperson

RD/sl Enclosure



Approved by 4 to 2 vote on January 24, 2002

The intent of this section is to provide the Independent Review Panel the authority to compel testimony after the State Attorney's Office has determined such would not interfere with a criminal investigation and administrative action is appropriate.

- A. Each County employee who is the subject of a complaint before the Independent Review Panel (IRP) or is a witness in a proceeding before the Independent Review Panel (IRP) shall, unless otherwise directed by the County Manager, cooperate and be present at all Independent Review Panel fact finding hearings and public hearings and shall provide testimony except as otherwise provided by law, including but not limited to state and federal law and County ordinances and/or their applicable collective bargaining agreement.
- B. Each County employee who is the subject of a complaint before the Independent Review Panel or is a witness in a complaint before the Independent Review Panel shall not be required to testify or cooperate where the County Manager, or his/her designee, has determined that the Independent Review Panel has violated its own rules of procedure. When the County Manager, or his/her designee, determines that the violation has been corrected, the employee shall proceed to cooperate and/or testify.
- C. The Independent Review Panel shall have the power to subpoena witnesses, administer oaths and require the production of records. The Executive Director shall execute this authority upon direction of the presiding member of the Independent Review Panel. In the case of a refusal to obey a subpoena issued to any person, the Executive Director may make application to any circuit court of this State that shall have jurisdiction to order the witness to appear before the Independent Review Panel and to produce evidence if so ordered, or to give testimony touching on the matter in question. Prior to issuing a subpoena, the Executive Director shall notify the State Attorney and the U.S. Attorney for the Southern District of Florida. The Independent Review Panel shall not interfere with any ongoing criminal investigation of the State Attorney or the U.S. Attorney for the Southern District of Florida where the State Attorney or the U.S. Attorney for the Southern District of Florida has explicitly notified the Independent Review Panel in writing that an investigation is interfering with an ongoing criminal investigation.

Rules of Procedure

Approved 11-24-98 Section 3.5 modified 11-18-99

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7.3

7.4

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9.3

SECTION 10. Panel Hearings

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SECTION 8. Whistleblower Retaliation Complaint Procedure

Investigative Staff

Scope of Investigation

Manner of Conducting Investigations

SECTION 9. Investigations: Resources and Scope

SECTION 1. PURPOSE

It is hereby declared to be the purpose of these rules of procedure to facilitate the independent review process in Miami-Dade County, Florida, which shall be based on due regard for the Constitutional Rights of all persons, and which shall promote the highest possible degree of mutual respect between the agencies, instrumentalities and employees of Miami-Dade County and the people of Miami-Dade County.

In order that this purpose be achieved, the Independent Review Panel shall receive, consider, investigate and provide a public forum for the airing of serious complaints or grievances brought by the Public against any employee, agency or instrumentality of Miami-Dade County, Florida. These rules provide for the impartial, independent, open and prompt investigation and disposition of complaints and grievances in a manner which protects both the Public and the County agencies, instrumentalities or employees who are involved in such complaints. The Panel will encourage members of the public to bring forward legitimate complaints of abuses and allegations of improper conduct as it is imperative that they be able to communicate freely to the Panel their dissatisfaction with County services or with the particular conduct of individual employees or agencies of the County. The provisions of these rules shall be liberally construed to achieve these objectives.

It is a further purpose of these rules to facilitate the ability of the Independent Review Panel to review the established County procedures and policies or general patterns of conduct which give rise to conflict and misunderstanding between the County and the Public and to make recommendations to the appropriate authorities regarding revision of said policies and procedures.

SECTION 2. DEFINITIONS

Wherever used in these rules, unless plainly evident from the context that a different meaning is intended, the following terms mean:

- 2.1 "Accused Party" means the employee, agency or instrumentality of Miami-Dade County, Florida, or of any municipality which elects to avail itself of the Panel's services, against whom a Complaint or Grievance is directed.
- 2.2 "Aggrieved Person" means any person who appears from a Complaint or Grievance to have suffered injury, harm, humiliation, indignity, or any other damage whatsoever as a result of misconduct by any County agency, employee or instrumentality.
- 2.3 "Chairperson" means the Chairperson of the Independent Review Panel or the Vice Chairperson, if the Chairperson is not able to preside.
- 2.4 "Complaint" or "Grievance" means a statement alleging that an employee, agency or instrumentality of Metro-Dade County has engaged in an improper act or misconduct in connection with the performance of their official duties, or a statement indicating that the

Complainant believes that an existing policy, rule, procedure or practice operates to the detriment of the community as a whole or any segment thereof.

- 2.5 "Complainant" means any individual who files a Complaint or Grievance regarding the conduct of any County agency, employee or instrumentality. The Complainant may, but need not be an aggrieved person.
- 2.6 "County" means Miami-Dade County, Florida. The County is governed by an Executive Mayor and a thirteen member Board of County Commissioners. They employs a Manager to administer, on a day-to-day basis, the activities of employees who provide services such as police, fire, garbage collection, recreation and zoning for the unincorporated areas of the County. Miami-Dade County has an area of 2,000 square miles that has within it 30 municipalities. County-wide services such as environmental control, transportation, indigent health care, social services, water and sewers, maintaining tourist attractions and the county court system are provided for all residents (approximately 2.3 million).
- 2.7 "Enabling Ordinance" means County Ordinance No. 80-8 adopted by the Board of County Commissioners, Miami-Dade County, Florida, which became effective February 19, 1980, as amended.
- 2.8 "Panel" means the nine (9) members of the Miami-Dade County Independent Review Panel appointed in accordance with the provisions of the Enabling Ordinance.

SECTION 3. ORGANIZATION AND MEETINGS

3.1 Composition of the Panel

The Panel shall consist of nine (9) members, five (5) appointed by the Board of County Commissioners and four (4) by the Panel members, taking into consideration ethnocultural and gender representation, as provided by the enabling ordinance. Each Panel member shall be a qualified elector of Miami-Dade County, shall possess a reputation for civic pride, integrity, responsibility, and shall have demonstrated an active interest in public affairs and service.

3.2 Reserved

3.3 Term

A. Panel members: each member of the Panel shall serve for a period of three years, which term may be extended by the Board of County Commissioners if necessary to complete any pending investigation(s). Any vacancy shall be filled in the same manner as the original appointment.

3.4 Compensation

Members of the Panel shall serve without compensation, but shall be reimbursed for the reasonable and necessary expenses incurred in the performance of their official duties. Before entering upon the duties of office, each member shall submit a written acceptance of appointment and subscribe to the oath of office prescribed by law, which shall be filed in the Office of the Clerk of the County Commission.

3.5 Election of Chairperson, Vice Chairpersons

The members of the Panel shall in November elect a Chairperson and two Vice Chairpersons to serve for a term of one year beginning with the first Panel meeting in January. The Chairperson may serve for more than one term. In the absence of the Chairperson, at any meeting, the First or Second Vice Chairperson shall preside over the meeting. In the absence of the three officers, the panel may carry on business by electing an Acting Chairperson from the members present.

3.6 Election of Other Officers

The members of the Panel may select such other officers as the Panel deems necessary in accordance with the provisions of the Enabling Ordinance.

3.7 Transaction of Business

A majority of the constituted members of the Panel attending a Panel meeting or hearing shall constitute a quorum. The affirmative vote of a majority of the Panel members present shall be necessary to take any action. Any such actions shall be made at a meeting open to the Public in accordance with the Sunshine Law, Chapter 286.011, Florida Statutes. All meetings shall be conducted in accordance with such rules of order as the Panel may from time to time adopt. All Panel proceedings shall be conducted in accordance with the provisions of the Citizens Bill of Rights of the Miami-Dade County Home Rule Charter.

3.8 Special Committees

Special Committees as may be necessary shall be appointed by the Panel Chairperson.

3.9 Panel Meetings

The regular meetings of the Panel shall be held with such frequency and at such time and place as the Panel elects. Special meetings may be held at the call of the Chairperson or the acting Chairperson. Upon petition of three (3) members of the Panel, the Executive Director shall call a meeting within two (2) weeks.

3.10 Attendance at Meetings

If a member of the Panel fails to attend three (3) consecutive meetings without a satisfactory excuse and notification prior to the meeting or if a Panel member is absent for more than one-half of the Panel's meetings during his or her term of office, his or her appointment shall cease. A Panel member shall be deemed absent from a meeting when not present at the meeting at least seventy-five (75) percent of the time. Any such excuse shall be subject to the approval of a majority of the Panel members present at the meeting. The provisions of this section may be waived by a two-thirds vote of the members of the full Board of County Commissioners.

3.11 Executive Director

The Chief Judge of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, shall appoint one (l) person to be the Executive Director of the Independent Review Panel. The Executive Director shall hire and shall supervise administrative, clerical, investigative and other personnel necessary to discharge the functions of the Independent Review Panel. The Executive Director shall promulgate internal office procedures and prepare necessary standardized forms for the conduct of investigations and the receipt of Complaints or Grievances. The daily operations of the Panel, including the conduct of the investigations, shall be managed by the Executive Director who shall oversee the regular functioning of the staff assigned to carry out the duties of the Panel.

SECTION 4. PROCEDURES REGARDING COMPLAINTS OR GRIEVANCES

4.1 Policy

- A. It is the policy of the Independent Review Panel to encourage citizens, who have serious Complaints or Grievances concerning the conduct of any employee, agency or instrumentality of Miami-Dade County, Florida to bring the same to the attention of the Independent Review Panel, which Complaint, if appropriate, will be considered, investigated and disposed of in accordance with the procedures set forth herein.
- B. As promptly as possible the Panel's Executive Director shall notify each known aggrieved person, and each known accused employee, agency or instrumentality of the County that the matter is the subject of a Complaint or Grievance and shall forward a copy of the complaint form.
- C. The Independent Review Panel will make every effort to ensure that no adverse consequences will result to any person or witness as a result of having brought a Complaint or having provided information in any investigation of a Complaint.
- D. The Independent Review Panel will make every effort to consider and to respond to citizens' Complaints and Grievances against any employee, agency or instrumentality of the County, and, if necessary, will conduct an impartial, open and fair investigation into any such Complaints or Grievances in accordance with the procedures set forth herein.
- E. The right of any person to bring a Complaint shall be absolute and unconditional; the reluctance or refusal of the Complainant to prepare a complaint form shall not impair his or her right to lodge a Complaint. If the Complainant will not fill out the form or sign it, it shall be completed by the Panel employee or Panel member with whom the Complaint is lodged.

4.2 Receiving Complaints

- A. Complaints may be accepted in writing, in person, by telephone or by any other means of communication, whether the Complainant offers his or her name or submits the Complaint anonymously.
- B. A Complaint may be lodged with the Independent Review Panel on behalf of oneself or on behalf of another person by any interested person or group.
- C. All Complaints, if authorized under these rules, shall be investigated thoroughly, competently and impartially and be brought to final disposition in a reasonable manner which is fair to all parties.

- D. No Complaint or Grievance will be deemed to have been filed with the Panel unless and until it has been reduced to writing, in accordance with the following procedures:
- 1. If the Complaint or Grievance is lodged in person, the Panel employee or Panel member receiving the Complaint shall furnish the Complainant with a blank complaint or grievance form. The Complainant shall be asked to fill out the form and to sign the form in the space provided. An oath or sworn declaration shall not be required. The Complainant may refuse to sign the form or to give his or her name. A copy of the completed form shall be given to the Complainant to serve as a record of the filing of the Complaint.
- 2. If a Complaint is lodged by mail, the complaint form shall be completed by the Panel staff on the basis of information contained within the correspondence. The Panel staff shall mail a copy of the completed complaint form to the Complainant as a record of the filing of the Complaint, together with a request that the Complainant review the complaint form for accuracy, and if accurate, sign the same and return it to the Panel offices.
- 3. If the Complaint is lodged by telephone, the Panel staff shall fill out an original complaint form and prepare one (1) duplicate copy of the complaint form as a record of the filing of the Complaint. The Panel staff employee taking the Complaint shall give his or her name to the Complainant. Panel staff shall furnish the Complainant with a copy of the completed form, together with a request for verification of accuracy and signature.
- 4. If the Complaint is lodged by an anonymous person, the Panel staff member receiving the Complaint shall endeavor to obtain the facts necessary and appropriate for the completion of the complaint form, record all information on the form and in the space provided for the Complainant's signature, indicate "Anonymous Complainant".

4.3 Complaint Form

The Panel shall cause all Complaints received by it to be reduced in writing on complaint forms.

4.4 Recording of Complaints

The Panel shall cause a central register of all Complaints filed with it to be maintained in its office. The central register shall record actions taken on each Complaint. The central register and complaint file shall be open for Public inspection during office hours and shall contain the following:

- A. Number of Complaint.
- B. Date Complaint was filed.
- C. A brief description of the subject matter of the Complaint.
- D. Complaint classification and disposition of the screening process.
- E. Date of referral to involved department or agency for investigation.
- F. Date department's or agency's response received.
- G. Results of committee and/or Panel consideration, if any.
- H. Date and content of final disposition of Complaint.

4.5 Withdrawal of Complaints

A Complaint may be withdrawn from further consideration at any time by a written notice of withdrawal signed and dated by the Complainant or by personal or telephonic notice to any Panel member or staff person by the Complainant.

SECTION 5. SCREENING, FACT FINDING and EVALUATION

5.1 <u>Screening and Classification</u>

- A. Each complaint shall initially be screened by staff to determine its classification. Classifications of complaints are:
- 1. "A": Complaint against a Miami-Dade County agency, employee, instrumentality or policy which requires a thorough investigation.
- 2. "B": Complaint against a Miami-Dade County agency, employee, instrumentality or policy which does not warrant a full investigation.
- 3. "NJ": No jurisdiction. Complaint not against Miami-Dade agency or employee, eligible municipality or instrumentality.
- 4. "PC": Personnel complaint filed by a Miami-Dade employee against his/her supervisor(s) or co-worker(s) or employing Department.
- 5. "M": Miscellaneous. Requests for information, incomplete complaint data, counseling.

5.2 Deferral of Action on Complaints

- A. If the subject matter of the complaint is under investigation by the County department or agency having jurisdiction, if it is the subject matter of established administrative review procedures of the County or other governmental agency having jurisdiction, or if it is the subject of pending criminal or civil judicial proceedings, the complaint shall be deferred and the matter shall remain pending until such proceedings have reached a final disposition.
- B. The Executive Director shall immediately advise the State Attorney or the appropriate County department or agency that a complaint has been received regarding the matter, and request that the Panel be notified when their investigation or proceedings have reached a final disposition. Copies of all such communications shall be forwarded to the complainant.
- C. The complainant shall be advised that if he or she is dissatisfied with the ultimate disposition of the matter by any such agency, department or governmental process, he or she may request the Independent Review Panel to review the matter further.
- D. Notwithstanding the above provisions, the Panel shall not be required to continue deferral of a complaint if such administrative investigation or proceedings have not reached final disposition within sixty (60) days from the Panel's receipt of the complaint. This section does not apply to criminal investigations by the State Attorney or to judicial proceedings.

5.3 Action on Complaints

- A. Complaints not against a Miami-Dade County agency, employee or policy (NJ, PC OR M).
- 1. "NJ", No Jurisdiction. If the subject matter of the complaint is not within the jurisdiction of the Panel, the Complainant shall be so advised by the staff. The staff may refer the matter directly to the appropriate agency having jurisdiction of the matter, together with a request, on behalf of the Panel, that the matter be considered by such agency or instrumentality. The complainant shall be notified of such referral, and provided the name and title of the person to whom the matter was referred.

- 2. "PC", Personnel Complaint filed by a Miami-Dade County employee.
 - a. The Panel will not consider personnel complaints.
- b. If there appears to be an issue of substantial inequity or unfairness, the Executive Director may present the complaint to the full Panel and request a waiver of "2 a", above.
- 3. "M", Miscellaneous. Requests for information, incomplete complaint data, advice and counsel. No further action will be taken after requests for information have been answered, after reasonable efforts have been made unsuccessfully to obtain information to complete a complaint, and/or advice and counsel have been given.
- B. "A" and "B", complaints against a Miami-Dade County agency, employee or policy.
- 1. "B", Complaint against a Miami-Dade County agency, employee or policy which does not warrant a full investigation. Complaints may be referred by staff, on behalf of the complainant, to the appropriate person or persons in Miami-Dade County government for resolution. Such referral may be by telephone, in person or by mail. In all cases, the identity of the person or persons to whom a complaint is referred and the action taken in response to the complaint shall be noted in writing and filed with the complaint. The complainant shall be notified of the action whenever possible. No further action shall be required, but the Panel shall be provided a summary of such complaints upon request.
- 2. "A", Complaint against a Miami-Dade County agency, employee or policy which requires a thorough investigation.
- a. Each "A" complaint shall be referred to the County department, agency or instrumentality named in the complaint for a prompt and complete investigation of the complaint.
- b. The named department, agency or instrumentality shall be requested to report back to the Independent Review Panel the results of its investigation along with a full and complete copy of its investigative file, including but not limited to, tapes of all statements taken and transcriptions made therefrom.
- c. The Independent Review Panel shall submit a full copy of the investigative file referred to in "b", above, to the complainant. Such copy need not include copies of tapes or statements taken, but shall be complete in all other respects.
- d. If, after receipt of a copy of the investigative file made by the named department, agency or instrumentality, the complainant is satisfied with the resolution, the complaint may be concluded. This shall not prevent the Panel from continuing to review issues either raised in the initial complaint or during the investigation and review of the complaint.
- e. If, after reviewing the results of the investigation into his or her complaint, a complainant is not satisfied, he or she may request that a committee be established to investigate and/or review the complaint further, and to make recommendations regarding it to the full Panel. Upon such request, a committee shall be established.
- f. A committee shall be established to consider a complaint further if either the staff or the Panel considers it is necessary to continue review of the complaint, even though the complainant does not wish to pursue the complaint. The committee shall be called a Review Committee.

SECTION 6. COMMITTEE REVIEWS AND INVESTIGATIONS

6.1 <u>Committee Assignments</u>

- A. Assignment of complaints under this section shall be made by rotation among the Panel members. A Panel member may request that he or she be temporarily excused from the normal rotation to equalize caseload, avoid conflicts of interest, or for other good cause. When a Panel member's term of office expires and he or she is replaced, the replacement will automatically receive any pending complaints assigned to the departing Panel member.
- B. If the assigned Panel member believes it to be necessary, he or she may request that an additional Panel member or members be assigned to serve on the committee. The assigned Panel member may request the designation and appointment of any additional Panel member whose experience and expertise in any given area may prove to be of benefit in analyzing or resolving the particular complaint. Occasionally several complaints that have similar and/or complex subject matter may be assigned by the Panel to a Panel member who has become familiar with the issues involved and/or the accused department's policies and procedures.
- C. A staff member shall be a member of each committee and shall assist the assigned Panel member in each complaint review or investigation, and may conduct such aspects of the investigation that the Panel member requests.
- D. The Director of the department or agency which is the subject of a complaint and/or the department's liaison to the Independent Review Panel shall be invited to attend committee meeting(s).

6.2 Committee Procedures

- A. A complaint may require more than one committee meeting due to the complexity of the issues involved, the need for further information and review by the committee, or scheduling conflicts.

 1. Every effort should be made to schedule committee meetings at a time and place that is convenient for the complainant.
- 2. A meeting may be cancelled and rescheduled at the request of a complainant one time, for good reason, but may not be rescheduled more than once, except by formal consent of the Panel.
- 3. If a complainant fails to appear at a scheduled committee meeting, without having notified IRP staff beforehand, the committee shall proceed without the complainant.
- B. The Panel member serving on a committee shall be the Chairperson of the committee. Committee meetings are informal in nature.
- C. In cases where there are two or more Panel members serving on a committee, the public must be notified of the date, time, and location of any meeting(s) in accordance with state law.
- D. Prior to the start of a meeting, the Chairperson shall inform those present that an audio tape will be made of the meeting in order to assist in preparing an accurate record. The meeting shall continue with everyone present introducing themselves and providing their job titles, or describing themselves as complainant, witness, or observer.
- E. After introducing the committee members, a brief statement describing the purpose of the Independent Review Panel, the nature of the complaint to be considered and the purpose of the committee meeting shall be made.

The introductory statement may also include:

- 1. The fact that the Panel does not have subpoen apower (except for "whistle-blower" cases, Ord. 96-41), which is necessary to require that the accused county department or employee attend a committee meeting or a Panel meeting.
 - 2. That the committee makes recommendations to the full Panel.
- 3. That the committee may recommend further investigation, departmental policy change or establishment, imposition of discipline or remedial action if no disciplinary action has been taken, other corrective action and/or initiation of criminal proceedings.
- 4. That final disposition of the complaint will be made by the Panel at a future Panel meeting.
- F. The committee Chairperson may summarize the complaint or ask the complainant to describe his or her complaint. The department representative shall then be asked to present the department's response to the complainant, the results of the departmental investigation and/or any steps that the department has taken to resolve the complaint. Statements may be made by any witnesses present at the meeting. Many complaints are resolved at this stage when the committee successfully acts as a mediator between the complainant and the accused department.
- G. Where clarifications and/or further information are needed, the department may be asked to investigate further, and/or the Panel staff may interview witnesses and gather additional data.

6.3 Authority and Powers Generally

- A. In the event that there is no specific incident, complaint or grievance which is the subject matter of a Panel review or investigation, and a review is initiated to consider the County's complaint handling procedures and activities designed to serve the public, the investigation shall include but not be limited to testimony taken from the appropriate department heads and employees, such statistical records as are available relative to the review, processing or complaint procedures, statements taken from citizens previously involved in such procedures or processes and such other information as may be deemed necessary by the Panel or its staff.
- B. The Panel or its staff may demand, examine and duplicate public records and documents in accordance with the provisions of Chapter 119, Florida Statutes, as may be amended from time to time.
- C. The Panel or its staff may enter and inspect any premises under the jurisdiction or control of Miami-Dade County or any of its agencies or instrumentalities.

SECTION 7. DISPOSITION BY PANEL

7.1 Submission to Panel

Following completion of the committee's review, and/or investigation and recommendations, a written report shall be forwarded to all Panel members, and the matter shall be placed on the agenda of a scheduled or special meeting of the Panel.

7.2 Notification to Parties

A copy of the written report referred to in 7.1, above, shall be forwarded to each complainant and accused party, together with a notice of the time and place of the Panel meeting

at which the complaint will be considered. All complainants and accused parties shall be notified that they have a right to be present at the said meeting, in person or through a representative of their choice, and to be heard by the Panel regarding the subject matter of the complaint. If for any reason the complainant or any accused party has not received a copy of the written report in advance of any meeting where the same is to be considered, Panel action thereon shall be deferred, upon the request of the complainant or accused party, to the next regularly scheduled meeting.

7.3 Panel Meeting Procedures

- A. Meetings of the Panel shall be held regularly. Public notice of each meeting shall be given in accordance with the applicable state law.
- B. The presence of five (5) Panel members is needed for a quorum. If it is known in advance that a quorum will not be attained, a scheduled meeting may be cancelled.
- C. If a meeting is held with less than five (5) Panel members present, those present may review all items on the agenda, make motions and vote, with the understanding that any action taken does not became final until ratified by the Panel at the next meeting of five(5) or more Panel members.
- D. All Panel meetings shall be tape recorded. Minutes summarizing each meeting shall be prepared by the Panel staff and adopted by the Panel by motion duly made, seconded and carried.

 E. Panel meetings are informal in nature. County employees named as subjects in complaints, other county personnel, complainants and witnesses appear voluntarily and need not be sworn. Meetings are open to the public and anyone who wishes to address the Panel may do so "from the floor."

7.4 Consideration by Panel

The Panel shall consider the reports of committees and any other information that may be brought to its attention at the said meeting. Thereafter, the Panel may:

- A. Vote to conclude a matter without further investigation or review;
- B. Request further investigation or review by the staff, the Panel, or a committee of the Panel;
- C. Take such other action as it deems necessary and appropriate, including the making of recommendations regarding policy or rule changes, or specific personnel action.
- D. If the Panel has reason to believe that the actions of a public official, employee or other person warrants criminal or disciplinary proceedings, it shall refer the matter to the appropriate governmental authorities with a request that the Panel be advised of any action taken as a result thereof.

7.5 <u>Distribution of Final Report</u>

- A. The Panel shall advise the Complainant, the aggrieved party and the accused employee or concerned department or agency in writing of the Panel's disposition and/or the outcome of any hearing before the Panel, and shall provide them with copies of the final report.
- B. The Panel may further distribute and publicize the final report and shall include within it any conclusions or recommendations as it in its discretion determines to make in connection therewith.

SECTION 8- WHISTLEBLOWER RETALIATION COMPLAINT PROCEDURE

A - Stage One - SCREENING

- 1. Upon receipt of a written retaliation complaint from the County Manager's Office, the Independent Review Panel Executive Director or his/her designee shall screen the complaint to determine whether to proceed with a hearing or dismiss the complaint at screening. The complaint shall be dismissed at this stage only due to:
 - a. the failure of the written complaint to state facts which, if true, would authorize the granting of relief under Sec.2-967.8 of the Code of Metropolitan Dade County.
 - b. failure of the complainant to sign a consent form indicating that the complainant is aware of his/her rights and responsibilities under the Whistle Blower Ordinance, and has read and understands the rules of procedure.

or

- c. failure of the complainant to swear or affirm the truthfulness of the written complaint.
- 2. If the complaint is dismissed, the complainant shall be sent notification of same by the Executive Director, with signed concurrence by a Panel member. This notice shall clearly state the reason for the conclusion and provide notice of opportunity to appeal, in writing, to the Panel within 10 days. The notice shall contain a certificate of service as provided by Florida Rules of Civil Procedure 1.080(f). The time for appeal shall be measured from the date of service, so certified and computed as required by Fla. R. Civ. P. 1.090. Appeal shall be initiated by delivery to the office of the Executive Director of a written statement of intent to appeal. The Executive Director or his designee shall record the date and time of all such deliveries.
- 3. If the matter is not concluded at screening, the matter shall be scheduled for Public Adversarial Hearing.

B - Stage Two - MEDIATED CONFLICT RESOLUTION

The complainant and the accused will be offered mediated conflict resolution (MCR). If both parties agree to utilize this informal procedure, the resolution process will be mediated by a Panel member and the Executive Director or his/her designee. If both parties agree with the outcome of the MCR process, the agreement resolution shall be submitted to the Panel for ratification, without a formal investigation. If the matter cannot be resolved at this stage, a public adversarial hearing shall be conducted.

Parties that choose to participate in Mediated Conflict Resolution shall be asked to affirm and document understanding of the following:

1. Each party has an absolute right to be represented by counsel in Mediated Conflict Resolution and all stages of the IRP process. Should an accused County Department

- choose to be represented by counsel, they would not be represented by the County Attorney's Office but would seek external counsel.
- 2. Confidential statements made during Mediated Conflict Resolution sessions will not be admissible for adversarial public hearing purposes or subsequent proceedings.
- 3. The IRP Chairperson may allow each party one postponement of a scheduled adversarial public hearing for a period not to exceed 60 days.
- 4. Parties to Mediated Conflict Resolution may be granted a second session to finalize a Mediated Negotiation Agreement within five business days of the first session. Any other settlement prior to the scheduled adversarial public hearing will not be mediated by IRP members or staff.

C - Stage Three - PUBLIC ADVERSARIAL HEARINGS

Within sixty days of receipt of the complaint by the IRP, the Panel shall conduct an adversarial hearing, or determine whether to ratify the resolution of mediated solution on which there has been an agreement. Upon application of a party to the complaint, or upon its own motion, the Panel, by its chairperson or his or her designee, may, for good cause shown, request the County Manager to extend, in sixty days increments, the time limitations of this process.

Subpoenas, signed by the Executive Director or designee, will be issued upon written request of the complainant, the accused or the Panel, to procure the attendance of witnesses and/or, with the approval of the County Manager, the production of records at the adversarial hearing.

- 1. Setting and Notice of Hearing Staff shall coordinate with the parties and the Panel members to schedule a time and place for the hearing, and shall send written notice via U.S. Mail to the parties to the complaint, not less that 10 days before the hearing. A party's appearance at the hearing shall constitute a waiver of any deficiency in the notice of hearing.
- 2. Absence of Party The hearing may proceed in the absence of a party who, after notice, fails to attend or to obtain a postponement from the Panel chairperson. Despite the absence of a party or parties, no recommendation shall be made without the submission of evidence to support the complaint.
- 3. Representation by Counsel Each party has an absolute right to be represented by counsel at any adversarial hearing.
- 4. *Presentation of Evidence* The Chairperson shall require all parties and witnesses to be sworn before they testify. The Chairperson, if he or she desires, may request opening statements and prescribe the order of proof. In any event, all parties shall be afforded full opportunity for the presentation of evidence. All pre-hearing discovery is prohibited.

If either party finds it necessary to perpetuate the testimony of a witness who would probably not be available to testify at the hearing, the deposition of that witness may be taken and submitted at the time of hearing in lieu of live testimony. Prior approval of the Executive Director shall be obtained prior to the taking of such deposition and the Executive Director shall grant such approval if he or she concludes the testimony of the witness relevant and there is a reasonable likelihood that the witness will not be available for the adversarial hearing.

The procedures for subpoenas and witness attendance shall be as prescribed in Sec. 2-50 of the Code of Metropolitan Dade County.

- 5. Right of Party to Attend All parties shall have an absolute right to attend all hearings.
- 6. Chair to Preside The Chairperson, or in his or her absence, the Vice Chair or a Panel member, shall preside at the hearing and shall rule on the admission and exclusion of evidence and on questions of procedure, and shall exercise all powers relating to the conduct of the hearing. The hearing shall be informal in nature without strict observance of the rules of evidence or the Florida Rules of Civil Procedures. Periods of time prescribed in these rules shall be computed as stated in Fla. R. Civ. P. 1.090.

D - Report to the County Manager

The Panel will transmit its findings of fact, conclusions and recommendations to the County Manager within 15 days of case dismissal, resolution or conclusion of adversarial hearing. Audio tape recorded testimony will be sent, along with Panel conclusions, for final consideration by the County Manager.

SECTION 9. INVESTIGATIONS: RESOURCES AND SCOPE

9.1 Investigative Staff

The Panel's Executive Director shall secure such investigative staff or fact finding and research personnel as the Executive Director may determine are necessary from the County Manager, from the State Attorney's Office or from such other source through which investigative assistance is available. No investigative personnel shall be utilized in connection with an investigation if such investigative personnel are not independent of the County agency or instrumentality which is the subject of the review or investigation. Should the Panel determine that a review or investigation requires investigators who are entirely independent of the County or State Government, the Executive Director may hire private investigative personnel after consultation with the Panel member assigned to that particular case. The Chairperson's, (or the Vice Chairperson's, in the Chairperson's absence) approval must be secured. The Panel shall be advised at its next regular meeting.

9.2 Scope of Investigation

The preliminary investigation or any subsequent investigation may include but shall not be limited to the following:

A. Interviews with the Complainant, the aggrieved party, interviews with the party or department head of the agency or instrumentality against whom the Complaint or Grievance is lodged and all other parties witnessing or involved in any alleged incident; examination of the scene of the incident; viewing, analyzing and preserving all physical evidence, if any, associated with the alleged incident; review, analysis and preservation of all other physical evidence, if any. It shall be the responsibility of the investigator to record each step in the investigation and the result thereof in an investigation report which shall be made a part of the complaint file.

B. The Panel's investigators shall attempt to secure written statements under oath from all participants in and witnesses to the alleged incident but where any witness or participant is unwilling to make a signed written statement, the assigned investigator shall provide a verbatim transcript or written summary of the oral statement, if any, provided by such participant or witness. Where a written statement is given and signed by a participant or witness, the assigned investigator shall provide the person making such statement with a copy of the statement.

C. In the event that there is no specific incident, Complaint or Grievance which is the subject matter of a Panel review or investigation, and a review is initiated to consider the County's complaint review processes and investigatory activities designed to serve the Public, the investigation shall include but not be limited to testimony taken from the appropriate department heads and employees, such statistical records as are available relative to the review, processing or Complaint procedures, statements taken from citizens previously involved in such procedures or processes and such other information as may be deemed necessary by the Panel or its staff.

9.3 Manner of Conducting Investigations

The Investigation shall be conducted in a manner designed to produce a minimum of inconvenience and embarrassment to the Complainant, the aggrieved person, the accused employee, agency or instrumentality of the County and the witnesses.

SECTION 10 PANEL HEARINGS

10.1 Procedure for Scheduling Hearings

After the conclusion of the preliminary investigation, the Panel's Executive Director shall determine the place, date and time of the Panel hearing and shall furnish written notice of the place, date and time of the hearing to each Panel member, the Complainant, each aggrieved person and the accused party. The Panel's Executive Director shall also give such notice of the subject matter, place, date and time of each hearing as is required by law.

10.2 Open Public Hearings

All Panel hearings will be open to the public and a taped record will be made and shall be available at cost to any person who requests it.

10.3 Hearing Procedures

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless

of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil or criminal actions.

10.4 Counsel or Representative at Hearing

An attorney or other representative acting an behalf of the Complainant, any aggrieved party, or any accused party may be present at the hearing, at the expense of such party, but such representation shall not be required.

10.5 Testimony

Testimony under oath administered by the Panel's Chairperson may be received from all persons who appear and purport to have information which is material to the matter under consideration by the Panel.

10.6 Stenographic Record

At the option of the Panel, a stenographic record may be kept, and if kept, shall be made available, upon payment of the cost of duplicating or transcribing the same, to any person requesting same.

SECTION 11. FINDINGS OF PANEL AND DISPOSITION OF COMPLAINTS

11.1 Final Report

Within thirty (30) days following the completion of the Panel hearing, and review of all additional evidence, if any, and the rules, procedures, orders, ordinances, statutes and Constitutional provisions allegedly violated, the Panel, by a majority vote, shall adopt and publish a final report with regard to each matter reviewed. Any final report of the Panel shall be transmitted simultaneously to the Executive Mayor, Board of County Commissioners, the County Manager and the Director of the concerned County department. If the Panel has reason to believe that a public official, employee or other person warrants criminal or disciplinary proceedings, it shall refer the matter to the appropriate governmental authorities with a request that the Panel be advised of any action taken as a result thereof. A dissenting Panel member or members may express the reasons for dissenting in writing and such dissent shall be included within such final report.

11.2 Distribution of Final Report

A. The Panel shall advise the Complainant, the aggrieved party and the accused employee or concerned department or agency in writing of the outcome of any hearing before the Panel and shall provide them with a copy of the final report.

B. The Panel may further distribute and publicize the final report and shall include within it any conclusions or recommendations as it in its discretion determines to make in connection therewith.

SECTION 12. <u>DISSEMINATION OF INFORMATION TO THE PUBLIC</u>

12.1 Press Releases

Press releases require prior authorization by the Executive Director.

12.2 Pamphlet

A pamphlet describing the purposes and procedures of the Independent Review Panel shall be prepared and distributed by the Independent Review Panel.

SECTION 13. PUBLIC RECORDS

13.1 <u>Public Inspection</u>

All matters within the jurisdiction of the Independent Review Panel, including without limitation, written statements of policy or interpretation formulated, adopted or used by the Panel in the discharge of its functions shall be made available for public inspection as required by law.

13.2 Files Open

Copies of all complaints, grievances, rules, reports or opinions of the Independent Review Panel shall be maintained on file and available for public inspection at the offices of the Independent Review Panel. Any party requesting copies of any such records may be provided with copies and charged a reasonable fee in accordance with Florida Statute 119.07 (1) and Miami-Dade County Administrative Order 4-48.

13.3 Files Maintained

All files of the Independent Review Panel shall be retained in accordance with the applicable state law.

SECTION 14. PRESERVATION OF RIGHTS

The within procedures shall be in addition to and not in derogation of:

A. The procedures existing from time to time for the preservation of rights of police officers, pursuant to the Police Officer's Bill of Rights, Florida Statute 112.531.

B. The applicable laws, ordinances, statutes and constitution of the State of Florida.

SECTION 15. AMENDMENT

The Rules of Procedure of the Independent Review Panel may be altered, amended or repealed, or new Rules may be adopted by the Panel at any regular meeting, or any special meeting called for that purpose, by a majority vote of the Panel members present at such meeting, provided, however, that notice of the intent of the Panel to consider the adoption of new Rules or the amendment, repeal or alteration of an existing rule is given to the members of the Panel at least five (5) days prior to the holding of such meeting. Such amendment or change in the rules may be initiated at the request of any member of the Panel filed with the Executive Director not less than fifteen (15) days prior to the date of any regular meeting at which such Panel member desires the matter to be considered.

SECTION 16. WAIVER

Any provision herein may be waived by a majority vote of the Panel members present at any regular meeting.

SECTION 17. VALIDITY

If any portion or section of these rules or regulations is declared to be unconstitutional or illegal, the remaining sections shall remain valid and effective.

SECTION 18. EFFECTIVE DATE

These Rules of Procedure shall become effective upon the date of the adoption of the same.

APPROVED BY COUNTY ATTORNEY AS TO FORM AND SUFFICIENCY:

Kenneth H. Drucker, Esq. Assistant County Attorney

PASSED AND ADOPTED:

November 24, 1998



Alex Penelas Mayor

Board of County Commissioners

Gwen Margolis Chairperson

Betty T. Ferguson
District 1
Dorrin D. Rolle
District 2
Dr. Barbara M. Carey-Shuler
District 3
Gwen Margolis
District 4
Bruno A. Barreiro
District 5
Rebeca Sosa
District 6
Jimmy L. Morales
Dlstnct 7

Katy Sorenson
District 8
Dennis C. Moss
District 9
Javier D. Souto
District 10
Joe A. Martinez
District 11
Dr. Miriam Alonso
District 12
Natacha Seijas

District 13

Harvey Ruvin
Clerk of the Courts

Steve Shiver County Manager

Robert A. Ginsburg County Attorney

Miami-Dade County provides equal access and equal opportunity in employment and services and does not discriminate on the basis of disability.